



City of Seattle

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
Diane Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2400027  
**Applicant Name:** Fred Baxter, Architect, for 5446 Californian Real East Partnership  
**Address of Proposal:** 5446 California Avenue Southwest

**SUMMARY OF PROPOSED ACTION**

Master Use Permit for future construction of a 3-story administrative office building with ground-floor retail. Parking for 8 vehicles to be located on grade. Existing structure to be demolished under separate permit.

The following approvals are required:

- **Design Review and Development Standard Departures**, pursuant to Chapter 23.41 Seattle Municipal Code.
- **SEPA - Environmental Determination**, pursuant to SMC Chapter 25.05.

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

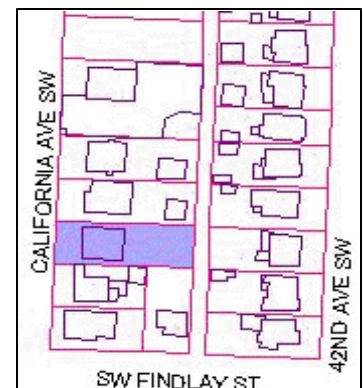
☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or involving another agency with jurisdiction

**BACKGROUND**

Site and Vicinity

The site, located on the east side of California Avenue Southwest, between Southwest Brandon Street and Southwest Findlay Street, is zoned Neighborhood Commercial 2-30 with a 30-foot height limit (NC2-30). Currently the proposed site is developed with a single family residence. The applicant proposes a three-story commercial building with approximately 3,000 sq. ft. of retail at the ground floor and two floors of administrative offices, approx. 3,000 sq. ft. per floor, above. Surface parking for 8 vehicles is proposed east of the proposed building.



The site is 7,500 square feet in size with 50 feet of street frontage on California Avenue Southwest. The adjacent sites to the north and south are zoned NC2-30 as are the properties to the west. The block to the south is zoned Lowrise 3 Residential Commercial (L-3 RC). The properties along California Avenue Southwest are developed mainly with commercial buildings, some of them with residential units above. Across the alley to the east, properties are zoned Single Family 5000 (SF5000) residential and are developed with one and two story single family residences.

### Public Comments

Public notice of the Master Use Permit application was published on July 22, 2004 and mailed to neighboring properties within 300 feet of the project site. The public comment period ended on August 4, 2004. Approximately 4 different people either sent in a letter or commented during the two public meetings leading up to this decision. Below is a summary of the comments received:

- *Respect for Adjacent Sites* – The neighbors prefer less window along the rear facade in order to minimize the disruption of privacy. They applauded the idea of having the building pushed towards the street and as far from the alley as possible. Stepping back upper floors could also break up the mass.
- *Light & Glare* - The neighbor would like to see sufficient screening of the parking area to prevent glare from vehicle lights.
- *Materials*- The neighbors approved of the material selection and felt that the proposal fit within the context of the existing neighborhood.
- *Screening along alley* – The neighbor did not see any reason to have the fence provided along the alley in addition to the landscaping.

## **ANALYSIS – DESIGN REVIEW**

### **Early Design Guidance meetings**

During the Early Design Guidance meeting on March 25, 2004, the architect presented streetscape photos, a project site plan, three front facade diagrams, and elevations drawings. The diagrams represented the relationship to the mixed-use buildings on either side and gave an idea of the allowable building envelope.

During this meeting, the Board also took public comment from citizens that were in attendance at the meeting. Following their deliberation, the West Seattle Design Review Board prioritized the following guidelines, identifying by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of the highest priority to this project:

- A-1 Responding to Site Characteristics
- A-2 Streetscape Compatibility
- A-5 Respect for Adjacent Sites
- A-8 Parking and Vehicle Access
- B-1 Height, Bulk and Scale Compatibility
- C-1 Architectural Context
- C-2 Architectural Concept and Consistency
- C-3 Human Scale
- C-4 Exterior Finish Materials
- D-1 Pedestrian Open Spaces and Entrances
- D-2 Blank Walls
- D-6 Screening of Dumpsters, Utilities and Services Areas
- D-7 Personal Safety and Security
- E-2 Landscaping to Enhance the Building and/or Site
- E-3 Landscape Design to Address Special Site Conditions

### **DESIGN REVIEW BOARD RECOMMENDATIONS SUMMARY: SEPTEMBER 9, 2004 MEETING**

In response to the previous guidance of the Early Design Guidance meetings, the architect presented an overview of proposed materials which include wood siding, brick veneer and split-face CMU at the base. Along with the material overview, the architect also utilized a project site plan and colored elevation drawings to outline the landscaping proposal, parking and access layout and façade composition.

After the presentation, the Design Review Board expressed concern about the proposed area-wall along the south property line. Given the depth of the well, the Board felt that the proposed planting material (pacific wax myrtle) would not receive sufficient sunlight. The Board also wanted to make sure that lighting of the surface parking lot was sufficiently baffled to prevent spillover into the adjacent mixed-use structure and the nearby Single Family zone.

#### **Departure from Development Standards:**

Two departures had been requested at the time of this meeting and are listed below. The five Board members in attendance recommended **APPROVAL** of all of the requested departures pertinent to the project design presented at the July 7, 2004 final recommendation meeting.

Standard	Proposal	Rationale	Recommendation
Provide a 125 sq. ft. trash enclosure (23.47.029.A.)	Decrease the size of the trash enclosure to 84 sq. ft.	This would reduce the scale of the trash enclosure and the allow for landscaping in the parking area. Liz Kain of SPU was consulted.	Recommended approval.
6' tall screening with a 5' deep landscaped area along the alley (23.47.016.D.b.)	Provide a 5' deep landscaped area without the 6' tall screening.	The applicant felt that this would allow for "eyes on the alley."	Recommended approval.

### **SUMMARY OF RECOMMENDATION**

In general, the Board members in attendance indicated that the project met the Design Guidance which was prioritized at their previous meetings.

Therefore, after considering the proposed design and the project context and reconsidering the solutions presented in relation to the previously stated design priorities, all five of the Design Review Board members in attendance recommended **APPROVAL** of the subject design as presented at the September 9, 2004 meeting and recommended several conditions.

### **DIRECTOR'S ANALYSIS - DESIGN REVIEW**

The Director has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director also concurs with the conclusions of the Board that the project does meet the Citywide design guidelines. The Board members made the following recommendations:

- Provide screening of the surface parking area from the neighboring property to the south to minimize light, glare, and noise impacts on the adjacent mixed-use building. Landscaping should be incorporated into the screening that will receive sufficient sunlight to encourage survival.
- The design should use low level, well distributed lighting for pedestrian safety and minimal lighting spill over.
- Maintain the segmented awning along California Avenue SW as shown in the 11" x 17" recommendation meeting packet.

### **DECISION - DESIGN REVIEW**

The Director accepts the Board's recommendations to approve the project design and the requested departures. Conditions listed at the end of this report are provided to ensure that the design details approved with this project are implemented through the construction process.

### **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated June 15, 2004, and annotated by this Department. This information in the checklist, supplemental information provided by the applicant (plans, including landscape plans), comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations)."

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

#### Short-term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- construction dust and storm water runoff;
- erosion;
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels;
- occasional disruption of adjacent vehicular and pedestrian traffic;
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

#### Noise

In addition to the Noise Ordinance requirements in SMC 25.08, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays and Sundays from 9:00 a.m. to 6:00 p.m.:

1. Surveying and layout;
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the

Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours.

Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. As a condition of this decision, the applicant will be required to submit a noise mitigation plan to DPD for review and approval before a change in allowable construction hours may occur. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

### Grading

Approximately 693 cubic yards of cut and 483 cubic yards of fill is proposed for the construction of the building and parking. The applicant has noted that cut will exceed fill, so any fill that is necessary will already be available onsite. If material is transported to or from the site, City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Construction Parking

Construction of the project is proposed to last for approximately 12 months. On-street parking in the vicinity is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties.

Accordingly, the owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase transportation plan. The plan shall identify approximate phases and duration of construction activities, haul routes to and from the site, address ingress/egress of trucks/personnel/equipment and construction worker parking. Thus, the construction phase transportation plan will be a condition of this decision. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.

### Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: potentially decreased water quality in surrounding watersheds; increased bulk and scale on the site; increased ambient noise due to increased human activity; increased demand on public services

and utilities; increased light and glare; increased energy consumption, increased on-street parking demand. These long-term impacts are not considered significant because the impacts are minor in scope.

### Parking

With this proposal, parking for 8 vehicles will be provided on-site for the administrative office and retail space, as 8 is required by the Land Use Code. Both the administrative function of the office and the urban nature of the neighborhood should minimize potential for parking spillover. Although there is a potential for spillover parking during peak parking demand, it is anticipated, given the availability of mass transit in the area, that many patrons/employees of the proposed uses will utilize the available bus routes or walk. With this in mind, the proposal will not adversely impact on-street parking during the hours of peak parking demand. Therefore, no mitigation is warranted under SEPA.

### Height, Bulk & Scale

Since the Design Review Board and the Director have considered the potential height, bulk and scale impacts and acted to limit those impacts, the Director concludes that the negative impacts of height, bulk and scale have been adequately mitigated and no additional SEPA height, bulk and scale mitigation is warranted.

### Other Impacts

Several adopted Codes and Ordinances and other Agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

## **CONDITIONS - DESIGN REVIEW**

### **Non-Appealable Conditions**

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bryan Stevens, 684-5045). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bryan Stevens, 684-5045), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

### **Prior to Issuance of the Master Use Permit**

4. Provide screening of the surface parking area from the neighboring property to the south to minimize light, glare, and noise impacts on the adjacent mixed-use building. Landscaping should be incorporated into the screening that will receive sufficient sunlight to encourage survival.
5. The design should use low level, well distributed lighting for pedestrian safety and minimal lighting spill over.
6. Maintain the segmented awning along California Avenue SW as shown in the 11" x 17" recommendation meeting packet.

### **During Construction:**

7. All changes to the exterior facades of the building and landscaping on site and in the ROW must be reviewed by the Land Use Planner prior to proceeding with any proposed changes.

### **Prior to Issuance of a Certificate of Occupancy:**

8. Compliance with the approved design features and elements, including exterior materials, roof pitches, facade colors, landscaping and ROW improvements, shall be verified by the DPD Planner assigned to this project. Inspection appointments with the Planner (Bryan Stevens, ph.206-684-5045) must be made at least 3 working days in advance of the inspection.



## **CONDITIONS - SEPA**

### *Prior to issuance of any Construction or Grading Permits*

9. The owner(s) and/or responsible party(s) shall secure DPD Land Use Planner or SDOT approval of construction phase transportation and pedestrian circulation plans. Appropriate SDOT and King County METRO participation in development of the plans shall be documented prior to approval. The plans shall address the following:

- Ingress/egress and parking of construction equipment and trucks;
- Truck access routes, to and from the site, for the excavation and construction phases;
- Street and sidewalk closures;
- Potential temporary displacement/relocation of any nearby bus stops.

### *During construction:*

10. The owner(s) and/or responsible party(s) shall comply with the construction phase parking plan. A copy of that plan must be kept on-site.
11. All construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays and Sundays from 9:00 a.m. to 6:00 p.m.:
- Surveying and layout;
  - Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. These hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. The applicant will be required to submit a noise mitigation plan to DPD for review before a change in construction hours may occur. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

Signature: \_\_\_\_\_ (signature on file) Date: December 30, 2004  
Bryan Stevens, Land Use Planner

BCS:bg

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